

Notice of Allowability

Application No.

09/934,127

Examiner

Darren W. Ark

Applicant(s)

WYATT, DANIEL

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Telephone Interview of 9/1/04.
2. ☒ The allowed claim(s) is/are 18,19,22 and 32.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

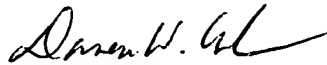
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Darren W. Ark
Primary Examiner
Art Unit 3643

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Craig Weiss on Thursday, September 2, 2004.

The application has been amended as follows:

Specification:

Page 8, line 23, inserted --a plurality of strands forming-- after "comprising".

Claims:

Claim 18. (currently amended) An expandable bait sleeve assembly comprising:

a fishing line;

a bait;

a fishing hook coupled to said fishing line; and

a sleeve comprising a plurality of strands of a plastic material and forming
~~comprised of more than twenty plastic type strands each having a first end and a~~
~~second and helically braided together to form a mesh-like configuration defining a~~
plurality of apertures between said ~~plastic type~~ strands, said sleeve having an interior
surface and an exterior surface and a first end and a second end, said second end of
said sleeve being substantially closed and defining an aperture through which said

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fishing line passes, said plastic-type strands extending from said second end of said sleeve and terminating at said first end of said sleeve, said first end of each said plastic-type strand being fused together with a first end of an opposing plastic-type strand to form an opening defined by said first end of said sleeve, said first end of said sleeve being open and dimensioned to expand to receive at least a portion of said bait, said first end being free of means to one of constrict and close said first end, said interior surface of said sleeve retaining receive at least a portion of a said bait and at least a portion of said fishing line and at least a portion of said fishing hook;

wherein said sleeve being sufficiently expandable so as to expand circumferentially enlarge to a larger diameter as a bait having a circumference larger than a circumference of said sleeve is inserted into said open first end of said sleeve without applying any force to any other portion of said sleeve to expand said sleeve while at the same time said sleeve is sufficiently rigid in order to compress and so that said bait is retained by at least a portion of said bait and at least a portion of said fishing line and at least a portion of said fishing hook inside said interior surface of said sleeve.

Claim 19, line 1, inserted --assembly-- after "sleeve".

Claim 19, line 2, replaced "plastic-type" with --plastic--.

Canceled claim 21.

Claim 22. The expandable bait sleeve assembly of Claim 18 further comprising:

said fishing line further comprising:

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a swivel harness having a first end and a second end, said first end of said swivel harness being dimensioned to swivel and being coupled to an outer surface of said second end of said sleeve and being dimensioned to be coupled to a fishing line, said second end of said swivel harness being passed through an inner surface of said second end of said sleeve and being dimensioned to be coupled to a leader; and

a leader having a first end and a second end, said first end being coupled to said second end of said swivel harness; and

said a fishing hook having a leader coupling end and at least one hook end, said leader coupling end being coupled to said second end of said leader and said at least one hook end being dimensioned to protrude outside of said sleeve.

Claim 32. (currently amended) A method for catching fish consisting ~~comprising~~ of, in combination, the steps of:

providing a fishing line;

providing a bait;

providing a fishing hook coupled to said fishing line;

~~providing a sleeve comprised of more than twenty plastic-type strands each having a first end and a second end helically braided together to form a~~ comprising a plurality of strands of a plastic material and forming a mesh-like configuration defining a plurality of apertures between said ~~plastic-type~~ strands, said sleeve having an interior

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surface and an exterior surface and a first end and a second end, ~~said plastic-type strands extending from said second end of said sleeve and terminating at said first end of said sleeve, said first end of each said plastic-type strand being fused together with a first end of an opposing plastic-type strand to form an opening defined by said first end of said sleeve~~ said first end of said sleeve being open and dimensioned to expand to receive a portion of a said bait, said first end being free of means to one of constrict and close said first end, said second end being substantially closed and defining an aperture therein;

inserting an end of said ~~a~~ fishing line through said aperture defined by said closed end such that said end of said fishing line is within said interior surface of said sleeve;

coupling said fishing hook to said end of said fishing line; and

inserting at least a portion of said bait into said open first end of said sleeve;

wherein said sleeve ~~is~~ being sufficiently expandable so as to enlarge to a larger diameter when a bait is inserted into said open first end of said sleeve while at the same time said sleeve is sufficiently rigid ~~so that~~ in order to compress and retain at least a portion of said bait and at least a portion of said fishing line and at least a portion of said fishing hook inside ~~is retained by~~ said interior surface of said sleeve,

~~inserting a portion of bait into said open first end of said sleeve;~~

~~providing a fishing line having a first end and a second end, said second end of said fishing line being dimensioned to pass through an aperture defined by said second end of said sleeve;~~

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~~—coupling said first end of said fishing line to a fishing rod;~~
~~—providing a fishing hook having a line coupling end and a hook end, said hook~~
~~end being dimensioned to protrude outside of said open first end of said sleeve;~~
~~coupling said line coupling end of said fishing hook to said second end of said~~
~~fishing line; and~~
~~casting said sleeve.~~

2. The Examiner would like to indicate to applicant that the proposed Drawing changes filed 8/20/2002 have been approved by the Examiner and that Corrected Drawings (as “replacement sheets”) must be submitted.

3. The following is an examiner’s statement of reasons for allowance:

In regard to claim 18, the prior art of record does not disclose an expandable bait sleeve assembly comprising a sleeve comprising a plurality of strands of a plastic material and forming a mesh-like configuration defining a plurality of apertures between the strands, the first end of the sleeve being free of means to one of constrict and close the first end, and the interior surface of the sleeve retaining at least a portion of the fishing line and at least a portion of the fishing hook.

In regard to claim 32, the prior art of record does not disclose a method of catching fish consisting of providing a sleeve comprising a plurality of strands of a plastic material forming a mesh-like configuration defining a plurality of apertures between the strands, the first end of the sleeve being free of means to one of constrict

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and close the first end; inserting an end of the line such that the end of the line is within the interior surface of the sleeve; and coupling the hook to the end of the line.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W. Ark whose telephone number is (703) 305-3733. The examiner can normally be reached on M-Th, 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on (703) 308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Darren W. Ark
Primary Examiner
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DWA